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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,417	06/23/2006	Andrew Thomas	31083.10US2	9232
34018 7590 10/11/2011 GREENBERG TRAURIG, LLP (CHI) 77 WEST WACKER DRIVE SUITE 3100 CHICAGO, IL 60601-1732				
EXAMINER				
SHEIKH, ASFAND M				
ART UNIT		PAPER NUMBER		
3627				
NOTIFICATION DATE		DELIVERY MODE		
10/11/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/584,417

Applicant(s)

THOMAS, ANDREW

Examiner

ASFAND SHEIKH

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,4,5,10,11,13-21,42 and 43 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,4,5,10,11,13-21,42 and 43 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-886)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s) Mail Date ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/28/2011 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 5, 10, 11, 13-21, 42, and 43 have been considered but are moot in view of the new ground(s) of rejection; however the examiner notes the following:

AAPA does indeed disclose "...wherein the inventory control system logically checks off each good in the order for goods when the order for goods is deposited into the one or more self-service drop-off containers...", more specifically: AAPA states "A further system for monitoring inventory of storage units, such as mailboxes, bins, and shelves, is described in published U.S. Patent Application No. 2003/0052778"; thus as interpreted by the examiner and one of ordinary skill in the art a system that can monitor a storage unit requires a form of logically checking..., therefore this argument is not persuasive.

With respect to the amendment: "...determines whether any goods within the order for goods are either not expected or missing and, when it is determine that any goods within the order for goods are either not expected or missing, automatically generates and sends a communication alert to the security monitoring system...", newly found reference Kahn is utilized; therefore this argument is moot.

Official Notice

The examiner has taken official notice in the Office Action dated on 5/13/2011. The examiner notes the reply filed on 7/28/2011 has not traversed the official notice and has failed to specifically point out the supposed errors in the examiner's action, which would include stating why the notice fact is not considered to be common knowledge or well-known in the art (see MPEP 2144.03 C.). The examiner notes this is an inadequate traversal and the subject mater of the Official Notice and its application to the claims are now noted to be Admitted Prior Art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, 10, 20-21, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMaggio (US 7,292,989 B2) in view of Applicant's Admitted Prior Art as per Applicant's Specification: Background (see pp., 1-2) and Kahn (US 7,395,273 B2).

Claims 1 and 42-43

DeMaggio discloses a system for facilitating and controlling route-based delivery of an order[s] for goods from a central servicing warehouse to a remote ship-to site[s] (see at least, col. 1, lines 59-col. 2, lines 31: the examiner notes cross dock location (e.g. central servicing warehouse/ship-to site (see col. 7, lines 65-67)) to combine a first lot (e.g. first route) and second lot (e.g. second route) of goods to be delivered to a plant from suppliers based on control from a logistics station (see col. 8, lines 23-24)), comprising: a manifesting system in communication with the inventory control system (see at least, 5, lines 46-col. 6, line 28 and col. 8, lines 24-61), a manifesting system implementing a manifesting process to manage and document the location and status of the orders for goods, associated inventory of goods in the central servicing warehouse, and the hand-off at the remote ship-to site of custody of the order for goods between

parties involved in the process (see at least, col. 1, lines 59-col. 2, lines 50: the examiner notes logistics data and col. 7, lines 65-67); a security monitoring system: wherein the manifesting process identifies and compiles into a draft manifest a logical grouping of all outstanding orders to be transported to ship-to sites on a specific route (see at least, col. 2, lines 31-50 and col. 5, lines 46-col. 6, lines 28: the examiner notes a truck can make multiple supplier pick up's (e.g. route) based on its schedule and manifest to be delivered to the cross dock); converts the draft manifest to a committed manifest, where the committed manifest becomes the official, permanent record of the orders for goods consigned to the truck for that run on that specific route, when it is determined that the draft manifest record accurately reflects the orders for goods to be loaded on the truck (see at least, col. 10, lines 5-58: the examiner notes a transportation schedule/manifest (see col. 5, lines 46-col. 6, line 28) is confirmed (e.g. becomes official)); and communicates the committed manifest to a inventory control system (see col. 5, lines 46-col. 6, line 28); wherein the inventory control system logically checks off each good in the order for goods, against a list of orders for goods it is expecting as indicated by the committed manifest (see at least, col. 5, lines 46-col. 6, lines 15: the examiner notes a checklist would indicate the ability to verify); automatically generates and sends a communication alert to the security monitoring system (see at least, col. 6, lines 16-28).

DeMaggio fails to disclose one or more self-service drop-off containers located at the remote ship-to site; an inventory control system associated with the one or more drop-off containers;... via the deposit of the order of goods into the one or more self-

service drop-off containers located at the remote-ship site; wherein the inventory control system logically checks off each good in the order for goods when the order for goods is deposited into the one or more self-service drop-off containers ... and determines whether any goods within the order for goods are either not expected or missing and, when it is determine that any goods within the order for goods are either not expected or missing, automatically generates and sends a communication alert to the security monitoring system

The examiner notes AAPA discloses one or more self-service drop-off containers located at the remote ship-to site (see Background, pp., 1-2); an inventory control system associated with the one or more drop-off containers (see Background, pp., 1-2);... via the deposit of the order of goods into the one or more self-service drop-off containers located at the remote-ship site (see Background, pp., 1-2); wherein the inventory control system logically checks off each good in the order for goods when the order for goods is deposited into the one or more self-service drop-off containers (see Background, pp., 1-2)...

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of DeMaggio to include one or more self-service drop-off containers located at the remote ship-to site; an inventory control system associated with the one or more drop-off containers;... via the deposit of the order of goods into the one or more self-service drop-off containers located at the remote-ship site; wherein the inventory control system logically checks off each good in the order for goods when the order for goods is deposited into the one or more self-

service drop-off containers... as taught by the AAPA to combine prior art elements according to known methods to yield predictable results (i.e., integration of the teachings of DiMaggio's system to include the use of AAPA's self-service drop-off containers and their respective inventory system) . One ordinary skill in the art would have been motivated to combine the teachings in order to deliver goods to customers at remote locations (see Background, pp., 1-2).

Kahn discloses determines whether any goods within the order for goods are either not expected or missing and, when it is determine that any goods within the order for goods are either not expected or missing, automatically generates and sends a communication alert to the security monitoring system (see at least, abstract: the examiner notes system for providing receipt inspection reporting (RIR) allows for entry, modification, searching and reporting of RIR data and col. 7, lines 26-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of DeMaggio in view of AAPA to include ... whether any goods within the order for goods are either not expected or missing and, when it is determine that any goods within the order for goods are either not expected or missing, automatically generates and sends a communication alert to the security monitoring system as taught by the Kahm to combine prior art elements according to known methods to yield predictable results (i.e., goods either not expected or missing... and, respectfully, alerting) . One ordinary skill in the art would have been motivated to combine the teachings in order to provide receipt inspection reporting and tracking (see at least, col. 1, lines 5-7).

Claims 4

DeMaggio discloses wherein the manifesting system posts the committed manifest into an order management system of a vendor of the goods to update records to reflect that the orders for goods have left the central servicing warehouse and are on the route to remote ship-to sites (see at least, see col. 5, lines 46-col. 6, line 28).

Claims 5

DeMaggio discloses wherein the manifesting system posts the committed manifest into an inventory management system of a vendor of the goods to reflect that the orders for goods is now under the control of a driver (see at least, see col. 5, lines 46-col. 6, line 28)

Claims 10

DeMaggio discloses wherein the inventory control system transmits delivery results to the manifesting system so that inventory records of the manifesting system may be updated to reflect that the orders for goods have been received at the ship-to site and are available for pick up by a customer at that location (see at least, col. 6, lines 52-61: the examiner notes a specific dock number for pickup by a customer (see col. 7, lines 19-34: the examiner notes a high tier)).

DeMaggio fails to disclose ... the one or more self service drop off locations.

The examiner notes AAPA discloses ... the one or more self service drop off locations (see Background, pp., 1-2)...

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of DeMaggio to include ... the one or more self service drop off locations as taught by the AAPA to combine prior art elements according to known methods to yield predictable results (i.e., integration of the teachings of DiMaggio's system to include the use of AAPA's self-service drop-off containers and their respective inventory system) . One ordinary skill in the art would have been motivated to combine the teachings in order to deliver goods to customers at remote locations (see Background, pp., 1-2).

Claims 20

DeMaggio discloses wherein the manifesting system facilitates and controls route-based delivery of orders for goods by using an order cut-off time for all the ship-to sites on a specific delivery routes whereby customers will know a time by which to place an order for goods to ensure delivery at their chosen ship-to site within a given time frame (see at least, col. 10, lines 41-48).

Claims 21

DeMaggio discloses where the draft manifest is generated automatically in response to attaining the cut-off time for that route (see at least, col. 10, lines 5-58).

Claims 11 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMaggio (US 7,292,989 B2) in view of Applicant's Admitted Prior Art as per

Applicant's Specification: Background (see pp., 1-2) and Kahn (US 7,395,273 B2) as per the respective claims above, further in view of Examiner's Official Notice.

Claims 11 and 13-15

DeMaggio in view of AAPA and Kahn fails to disclose wherein the one or more self-service drop-off requires a customer to identify themselves appropriately using a previously determined PIN or ORN in order to be allowed access to goods within the order for goods; wherein the inventory control system reports back to the manifesting system an acceptance and removal of a good within the order for goods from the one or more self-service, drop-off containers to the manifesting system so that order status and inventory records maintained by the manifesting system may be updated; wherein the manifesting system causes billing of a customer in response to receiving a notification of the acceptance and removal of the good within the order for goods from the one or more self-service, drop-off containers by the customer; wherein the manifesting system causes a debiting of a customer account in response to receiving a notification of the acceptance and removal of the good within the order for goods from the one or more self-service, drop-off containers by the customer.

The examiner takes Official Notice that it is old and well known in the logistics arts to verify a customer identity before allowing delivery (e.g. identification via ID Card/PIN/Password) and allow a customer to inspect the delivered goods for acceptance/removal (e.g. furniture/electronics delivery inspection) and further billing/debiting the customer account based on the accepting or removing the good

which can be done once an indication has been received of acceptance or removal (e.g. customer's account is credited if the customer returns the item to the deliverer and deliverer indicates return (i.e. personal delivery of sales item from previous owner to new owner)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of DeMaggio in view of AAPA and Kahn to include the features as taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide stronger relationship for a customer/vendor.

Claims 16-19

DeMaggio in view of AAPA and Kahn fails to disclose wherein the inventory control system of a ship-to site initiates a goods return process for rejected orders, returned goods, abandoned deliveries, or empty containers by creating a to-be-returned reverse logistics order in the manifesting system which functions to notify a vendor to expect goods for receipt back at the central servicing warehouse and wherein the manifesting system responds to a to- be-returned logistics order by scheduling a driver to pick up the goods to be returned on a next visit to the ship-to site and wherein the inventory control system records a time of picks up goods to be returned and notifies the manifesting system of the time and wherein receipt of goods to be returned is confirmed by the central servicing warehouse and entered into the manifesting system.

The examiner takes Official Notice that it is old and well known in the logistics arts to have a logistics system the return process of a failed delivery by notifying parties of returned items (e.g. damage sofa is returned and warehouse is notified of damage) and further creating the necessary routes/pickup time from delivered location to hub to central location of return and entering data within the logistics system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of DeMaggio in view of AAPA and Kahn to include the features as taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an automated and easy return process that sets up and notifies the given parties of a return.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASFAND SHEIKH whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand Sheikh/
Primary Examiner, Art Unit 3627